

Motion: That the Town amend its general bylaws by inserting a new Chapter, entitled "Wildlife Feeding" as set forth below:

Chapter 172: Wildlife Feeding (Bear and Waterfowl)

§ 172.1. Definitions. As used in this and subsequent sections,

Wildlife shall mean any undomesticated and unrestrained animal or fowl, including but not limited to bears, coyotes, foxes, raccoons, skunks and other animals or fowl causing public safety threats or nuisances.

Feeding shall mean the act of ground feeding, placing, exposing, depositing, distributing, or scattering, directly or indirectly, of any grain, shelled, shucked, or unshucked corn, seeds, wheat, bread or bakery products, salt, meat or parts, fish or parts, honey, molasses, or any other feed or nutritive substances, in any manner or form, so as to constitute for such wildlife a lure, attraction, or enticement to, on, or over any such areas where such feed items have been place, exposed, deposited, distributed, or scattered.

Designated enforcement authority shall mean Westford Animal Control Officer, Police Officers, Natural Resources Officers, agents of the Board of Health, Environmental Police Officers, and other enforcement officers of the Division of Law Enforcement, and by the Deputy Environmental Police Officers.

§ 172.2. Prohibited activity.

No person shall feed any wildlife at any place within the town of Westford. Whenever the Westford Animal Control Officer or any designated enforcement authority becomes aware that wildlife has been found feeding on any substance, as defined above, and the landowner or person committing the act has been notified of the occurrence by any person authorized to enforce this By-Law, and wildlife is thereafter found feeding on any such substance after any act of the commission or omission by the landowner or other person, such feeding shall be prima facie evidence that the feeding was with the knowledge or consent of the landowner or other person.

§ 172.3 Exceptions.

- A. Nothing in this By-Law shall be construed to limit the feeding of domesticated waterfowl, as defined by the Division of Fisheries and Wildlife, by a farmer as defined in M.G.L. ch. 128 § 1A on property owned or leased by him, or the feeding of waterfowl or any other birds by propagators licensed under M.G.L. ch. 131 § 23 when such waterfowl or other birds are confined in such a manner as may be required pursuant to said Section 23 and any rules and regulations issued under authority thereof; or the feeding by any person or his agents, invitees or licensees or waterfowl lawfully kept as a pet by such person.
- B. Regardless of, the Director of the Division of Fisheries and Wildlife or his agent or designee may authorize the emergency feeding of waterfowl and other birds when, in his opinion, such action is necessary to alleviate undue losses and suffering of such birds due to unusual weather conditions

and other circumstances. The Director may authorize such action by such means as he deems necessary and expedient, but such means shall include the immediate notification to the Selectmen thereof by first class mail.

- C. Any individual, company or corporation that is duly licensed by the Commonwealth of Massachusetts or entitled under law to possess wildlife of any kind.
- D. Any action that is officially sanctioned by the Commonwealth of Massachusetts that would require feeding, baiting, or luring of wildlife (i.e., capturing and tagging wildlife for scientific projects and study).
- E. Any individual, company, or corporation that is engaged in lawful agricultural pursuits, including but not limited to growing crops, crop-bearing plants or raising livestock.
- F. This section shall not be interpreted so as to prohibit bird feeders. However, if a bird feeder is determined to be the cause of a public safety threat or nuisance, the bird feeder(s) and seed debris will be required to be removed within 48 hours.
- G. This section shall not be interpreted so as to prohibit the feeding of pets, provided that if food intended for pets is determined to be the source of wildlife feeding, the landowner or person responsible for the premises will be required to take steps to render such pet food inaccessible to wildlife, including the requirement that the pet food be removed. If any wildlife gains access to pet food, the condition allowing access must be corrected or the pet food removed within 48 hours.
- H. This section shall not be interpreted so as to prohibit the storage of refuse, food product, pet food, or other material or nutritive substance on any premises in a manner which does not constitute a lure, attraction or enticement of wildlife on property within the Town of Westford, provided that if such storage is determined to be the source of a wildlife feeding problem, the landowner or person responsible for the premises will be required to take steps to render such storage area inaccessible to wildlife and the area near the storage be kept free from such debris. If any wildlife gains access to a storage area, the condition allowing access must be corrected or the stored material removed within 48 hours.

§ 172.4 Penalties.

Any violation of this section may be enforced by the Animal Control Officer or any designated enforcement authority through non-criminal disposition in accordance with the following schedule of fines:

First offense:	warning
Second offense:	\$25 fine
Third offense:	\$50 fine
Each subsequent offense:	\$100 fine